

**Minutes of the Carlisle Board of Health  
November 8, 2006  
Approved: December 13, 2006**

Present: Board members Martha Bedrosian (Chairman), Michael Holland, Jeffrey Brem, Bill Risso, Leslie Cahill absent; Linda Fantasia (Agent);

The meeting was called to order at 7:45 p.m. at the town hall.

**MINUTES** – next meeting.

**BILLS** – It was moved (Bedrosian), seconded (Holland), and unanimously voted to approve the bills as presented.

**118 HUTCHINS ROAD** – present for the discussion was Basil Bourque, owner.

In 2001 the Board of Health approved a five bedroom Deed Restriction to allow the finishing of two rooms in the basement conditional upon passing a title 5 Inspection every three years. The system is otherwise in compliance with Title 5. The system was installed in 1997. Since that time it has passed three inspections, the last being 10/8/06. Bourque would like to reduce the frequency of the inspections. The Board agreed that based on the information provided there would be no problem in extending the time between inspections to ten years. Should the house sell, it will have to comply with Title 5 regulations.

It was moved (Holland), seconded (Risso) and unanimously voted to amend the condition of the Deed Restriction and extend the time between inspections from three to ten years, starting from the date of the last inspection.

**180 PROSPECT STREET** – Innovative/Alternative Technology (IA). Present for the discussion was Joe March of Stamski & McNary, and buyers Katharine Endicott and Leslie Thomas.

Two designs to upgrade the failed four bedroom system were submitted; one for a conventional Title 5 System and a second which includes an I/A system “SeptiTech”. The Title 5 design was reviewed and approved. The design was submitted to meet a closing date. It is the policy of the Board to review alternative systems. March explained that the applicant prefers the I/A system for environmental reasons. It is based on a recirculating biological filter and is DEP approved for both remedial and general use. The proposed design is being submitted under the Remedial Use Allowable Design Standards which allows for a two foot reduction in groundwater offset. Conditions require quarterly testing, an annual report to DEP and the BOH, and an O&M contract for a one year period. March submitted test data on the SeptiTech Model 400 System which shows a 98% removal of BOD’s, 99% removal of TSS, and significant reductions in Nitrogen levels. The applicant owns a similar system in Maine which has been very successful. A conventional system would require mounding above the existing grade. The applicant prefers the I/A system.

Holland questioned whether the upgrade falls under remedial approval or general use since the existing house will be demolished and a new house built in a different location. The General Use Certification does not provide a 2.0’ reduction to groundwater. March argued that the existing system is in failure. The upgrade provides the same number of bedrooms (four), so there is no increase in flow. The new system could be hooked up to the existing house and later transferred to the new house. The applicant would like to complete the upgrade as one project. Holland was concerned that DEP’s distinction between remedial and general use was to provide waiver benefits to an existing property. It was not intended to provide waivers for new construction. Brem agreed that it was important to classify the design correctly. New Construction is defined under 310 CMR 15.002 as “the construction of a new building for which an occupancy permit is required or an increase in the actual or design flow to any system. . .” The definition goes on to state that “New construction shall not include replacement or repair of a building in existence as of March 31, 1995 that has been totally or partially destroyed or demolished, provided there is not increase in design flow, no increase in

design glow above the existing capacity, . . . no increase in the number of bedrooms in any dwelling or dwelling unit.” . Holland said the current application is proposing the demolition. It has not yet occurred. There will be no increase in the number of bedrooms, however.

The Board agreed that the Code allows for demolition of properties, even though it does not specifically address this application. It also excludes construction that maintains the same number of bedrooms, which does apply. Therefore, it is reasonable to apply the Remedial Use approval to this application. Risso was concerned about the cost of quarterly testing and whether an I/A system might affect selling the property in the future. The applicant said she is aware of the costs, but prefers the more environmentally friendly system.

It was moved (Holland), seconded (Bedrosian) and unanimously voted to approve plan entitled “Sewage Disposal Plan, 180 Prospect Street, map 1, parcel 22A, designed by Stamski & McNary, revised 10/18/06” which design includes an approved Alternative Technology, the Septi-Tech Processor Model M400, and a 2.0’ offset to groundwater in accordance with the “Allowable Soil Absorption System Design” as provided in the “Renewal of Approval for Remedial Use, Date of Issuance August 3, 2005”, subject to compliance with the conditions listed in the “Approval” and further noting that the cost of operating and maintaining the system, including required monitoring of effluent, must be disclosed to future owners prior to purchase of the property.

## **BUDGET DISCUSSION**

**FEES** – Engineering fees have not changed since 2003 whereas engineering costs have risen from 75/hr to 84.65/hr. Fantasia and deAlderete prepared a twelve month analysis of income and expenses. The analysis shows that the current fee covers the cost of travel time and time at the site but not the management expense which includes for example invoicing, transcribing field notes, miscellaneous telephone calls. On average the administrative overhead is approximately 36% for the engineering consultant. There is also a town overhead portion, but this is covered from the Board of Health operating account. Fincom is considering a specific town overhead rate but has not made a decision. Alex Parker, resident, said overhead is a significant cost. The town should recover this cost if possible. He also suggested that the Board set the fee high enough so that the full expense is covered.

The Board agreed that increasing fees due to current costs is reasonable. However, the Board would like to see if Rob Frado could be available additional days during the week. Brem said there have been complaints that the hours are too limited. This adds to the cost of a project for the homeowner. Fantasia said that although the majority of work is scheduled for Wednesdays, Frado tries to be available on other days if at all possible. This frequently happens just before winter shut down and high water season. It is not practical for Frado to make single trips to cover only one inspection. This is where the expense outruns the income.

The Board discussed the proposed fees which were based on an analysis of tasks, time, engineering and overhead costs. Brem offered some suggestions. The Board would like to have the new fees in place as soon as possible. This will help with budget planning. The Board agreed to make the changes effective 12/1/06. A notice will be posted at town hall and on the website.

It was moved (Brem), seconded (Holland), and unanimously voted to revise the Board of Health Fee Schedule as agreed on 11/8/06. (Copy attached)

**53E ½ REVOLVING ACCOUNT** – At last year’s budget hearing, Fincom asked for more detail and offered to help review the account. Bedrosian noted that Fincom appears has questions about this account. Fincom mistakenly claimed that the fund was out of money last June; this was not the case. The Board had requested a refund of the 20% allotted to the general fund to cover the additional hours requested for the Administrative Assistant which were denied for FY07. Fantasia and deAlderete have been tracking income and expenses for each site over the last year. The account appears to be functioning well, with a balance of approximately \$30,000. This is more than sufficient to cover old obligations currently on hand without any new fees. Bedrosian said Fincom may be looking for any “unused” portion of fees that could be turned over

to the town. The Board agreed that this is not how a revolving fund works. Fees are averaged with some sites coming in under cost and some over. There should always be a balance in the account to cover this fluctuation if it is working properly. Fantasia noted that the account was audited during the summer, but there had been no report. The Board agreed that the report would have gone to the Selectmen. If there had been problems, the Board would have been notified.

**ADDITIONAL HOURS** – The Board reviewed MGL Ch 111 s 27 and subsequent case law summarized in the MAHB “Legal Handbook for Boards of Health”. The statute clearly states that the Board of Health has sole authority on hiring, firing, and making changes in staff. A local bylaw does not supersede a statute as purported by Doug Stevenson. The Board agreed to get an opinion from town counsel on whether they agree about the Board’s authority to hire and increase hours for its staff as needed.

## **GENERAL DISCUSSION ITEMS**

**MAHB TRAINING** – Board members asked for more information on the certification.

**ICS TRAINING** – a new training schedule will be sent.

**HAZARDOUS WASTE DAY** – scheduled for 4/28/07 9-12. Brem offered to help.

**COVENTRY WOODS** – Alex Parker and Heidi Kummer were present for the discussion.

The Board received a draft decision prepared by Dan Hill, two memoranda from Beals & Thomas dated 10/13/06 and 10/30/06 and comments from Michael Epstein dated 11/7/06. There is a work session scheduled for 11/16/06 at 7pm for departmental input. The next ZBA meeting is scheduled for 11/20/06.

The Board agreed that its recommendations submitted 3/28/06 and 6/19/06 remain the same. Some of these recommendations do not appear to be included in the draft decision. The Board agreed to send a memo to Dan Hill restating the Board’s position on irrigation, well testing, monitoring wells, alternative technology, and escrow accounts. Board members are invited to attend the work session on 11/16/06. Risso questioned the need for a second well for the fire cistern and whether this well should be included in the drawdown test. Holland said the drawdown from the fire well would be minimal so it is not necessary to include the fire well in the drawdown testing. The Fire Chief is requiring a separate well. Bedrosian asked how this was handled at Laurel Hollow. Fantasia said the existing house well was used for fire protection. There was no irrigation well at Laurel Hollow. Parker was concerned about the volume to be pumped for the initial irrigation. The Board has recommended that this well be tested during the drawdown. DEP has said they will consider all data submitted which should include the irrigation well. Parker would prefer to have this specifically stated. Parker also asked the Board to consider when the groundwater testing was done. According to his research, it was a very poor year for evaluating potential impacts. Kummer was concerned about potential runoff from the three septic systems that have been combined. This system will be quite high out of the ground. The Board noted that a vegetated swale is recommended by the peer reviewer. This should address runoff. The Board had asked for a monitoring well near this system. The peer reviewer noted that three monitoring wells is the standard. Brem noted that the draft decision only refers to the Board’s 3/27/06 memo. It needs to reference 6/19/06 also.

There was no further business discussed. Meeting voted to adjourn at 9:30 pm.

Respectfully submitted,

Linda Fantasia  
Recorder